

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SORNA CORPORATION,

Plaintiff,

v.

ORDER

Civil No. 11-1953 (MJD/JSM)

NAUTILUS MEDICAL, INC.,

Defendant.

Frank S. Farrell and Alexander Farrell, F.S. Farrell, LLC, Counsel for Plaintiff Sorna Corporation.

Edward M. Roney, The Law Offices of Edward M. Roney LLC, and James R. Hietala, Jr., Carlson Caspers Vandenburg Lindquist & Schuman PA, Counsel for Defendant Nautilus Medical, Inc.

This matter is before the Court on a request by Plaintiff Sorna Corporation for permission to file an early motion for summary judgment as to an inequitable conduct affirmative defense and counterclaim by Defendant Nautilus Medical, Inc. Defendant objects to the request.

A scheduling order in this patent case set the end of fact discovery and expert discovery for September 3, 2012 and November 1, 2012, respectively. It appears that little, if any, discovery has been conducted thus far. Plaintiff

contends that it can defeat Defendant's affirmative defenses and counterclaims through submission of expert declarations and various publically available documents. Due to the lack of discovery in this case, the Court concludes that a motion for summary judgment would be premature.

Accordingly, based on the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's request for the Court's permission to file and serve a motion for summary judgment is **DENIED**.

Dated: May 10, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court